

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER D FISCHER et al, on behalf                      No     C-96-4202 VRW  
of themselves and all others  
similarly situated,    ORDER

Plaintiffs,

v

THE EQUITABLE LIFE ASSURANCE  
SOCIETY,

Defendant.

On September 30, 2004, the named plaintiffs in this ERISA class action, individually and on behalf of the class, entered into a stipulation of settlement regarding plaintiffs' health benefits. Doc #455 at 1. On December 2, 2004, the court approved the stipulation of settlement and specifically reserved jurisdiction "over all matters relating to the consummation of the settlement in accordance with the stipulation." Id at 11.

On March 22, 2006, the court received a letter from a Carol A Reel, who states that she is a class member who has complied with all of the relevant rules but has still not received

1 any settlement payment. She states that "it appears to me that the  
2 [court's orders] and the rules of procedure set out by the  
3 Arbitrator have not been complied with" and that "the attorney who  
4 is supposed to be representing the Plaintiffs, Mr Richard Finberg,  
5 has refused to provide any meaningful answer to my questions  
6 regarding the progress of the case."

7 Accordingly, the court ORDERS the parties to inform the  
8 court by September 18, 2006, of the progress of the settlement,  
9 including details regarding which terms have been fulfilled, which  
10 terms remain to be fulfilled and any difficulties the parties may  
11 have encountered in concluding this matter. The parties'  
12 submission should also address the amounts actually distributed to  
13 class members, the number of properly filed class member claims  
14 still outstanding, the number of claims remaining pending  
15 arbitration and an estimated date by which the outstanding claims  
16 will be resolved. The clerk is INSTRUCTED to place Reel's letter  
17 and attachments in the file.

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19 IT IS SO ORDERED.

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22 VAUGHN R WALKER  
23 United States District Chief Judge  
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